

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION

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|----------------------------------|---|--------------------------------|
| JUSTIN DINGLER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 3:22-CV-00040-CAR-MSH |
| |) | |
| KILOLO KIJAKAZI, Acting |) | |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |

ORDER ON MOTION TO REMAND

Plaintiff filed the above-captioned action pursuant to 42 U.S.C. § 405(g) to obtain judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's claim for Disability Insurance Benefits under the Social Security Act (Doc. 1). The Commissioner, having filed her answer and transcript (Docs. 4 and 5), has filed a consent Motion for entry of judgment under sentence four of 42 U.S.C. § 405(g) with reversal and remand, which is now pending before the Court (Doc. 8).

In the Motion for entry of judgment, Defendant requests that this action be reversed and remanded under sentence four of 42 U.S.C. § 405(g), which authorizes this Court to enter a judgment affirming, modifying, or reversing the decision of the Commissioner (Doc. 8). Specifically, Defendant concedes that this case should be remanded to the Commissioner to further evaluate Plaintiff's claim. Plaintiff has been notified of this motion and has no objection (Doc. 8).

For good cause shown, and because the parties' consent, Defendant's consent Motion for entry of judgment under sentence four of 42 U.S.C. § 405(g) is **GRANTED**, and the Commissioner's decision is **REVERSED** under sentence four of 42 U.S.C. § 405(g) and **REMANDED** to the Commissioner for further proceedings as follows:

On remand by the Court, the Appeals Council will forward the case to an Administrative Law Judge who will be instructed to hold a new hearing and solicit testimony from a VE; identify, ask about, and resolve any apparent conflicts between the VE's testimony and the DOT; and issue a new decision that explains the resolution of any apparent conflicts.

See Melkonyan v. Sullivan, 501 U.S. 89, 99-100 (1991) ("Under sentence four [of § 405(g)], a district court may remand in conjunction with a judgment affirming, modifying, or reversing the [Commissioner's] decision").

This Court further **ORDERS** the **CLERK** to enter judgment in favor of Plaintiff pursuant to Rule 58 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED, this 3rd day of August, 2022.

s/ C. Ashley Royal
C. ASHLEY ROYAL, SENIOR JUDGE
UNITED STATES DISTRICT COURT